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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/708,352	11/08/2000	Joan D. Leonard	02108.0001U2	02108.0001U2 1597	
75!	90 02/15/2006		EXAM	INER	
KENYON & KENYON			FORD, VANESSA L		
ONE BROADWAY NEW YORK, NY 10004			ART UNIT	PAPER NUMBER	
			1645		
			DATE MAILED: 02/15/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)		
09/708,352	LEONARD ET AL.		
Examiner	Art Unit		
Vanessa L. Ford	1645		

The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 27 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have the period for the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 certs for the period of extension and the corresponding amount of the fee.	Before the Filing of an Appeal Brief	Examiner Art Unit						
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Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). Newly proposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: NONE. Claim(s) objected to: NONE. Claim(s) rejected: 1, 3-12 and 29-58. Claim(s) withdrawn from consideration: NONE. AFFIDAVIT OR OTHER EVIDENCE In affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Advisory Attachment. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)			omphant Amendmen	(1 102 02 1).				
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because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Advisory Attachment. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).								
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REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Advisory Attachment. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).	9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessal	overcome <u>all</u> rejections under appe ry and was not earlier presented. <i>S</i>	eal and/or appellant fa See 37 CFR 41.33(d)	ails to provide a (1).				
 11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Advisory Attachment. 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 		on of the status of the claims after	entry is below or atta	ched.				
see Advisory Attachment. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)								
	see Advisory Attachment.							
13. 🔀 Other: Advisory attachment.								
	13. 🔀 Other: Advisory attachment.							

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Advisory Attachment

1. Applicants amendment filed October 27, 2005 is acknowledged.

2. Applicants amendment is <u>not entered</u> because the proposed amendment would require new search and consideration. By amending the claims after-final Applicant has added limitations to the claims, for example, "... and the vaccine does not cause unfavorable reactions" that have not searched and considered before the submission of the after-final. As amended, the claims would raise new issues under 35 U.S.C.102 and 35 U.S.C. 103.

Since Applicant's arguments are predicated on an amendment not made of record, said arguments are deemed non-persuasive.

Rejections Maintained

- 3. The rejection under 35 U.S.C. 102(b) over claims 1, 3, 5-6, 29-20, 40-44 and 52-55 is maintained for the reasons set forth pages 2-5 paragraph 4 of the Final Office Action.
- 4. The rejection under 35 U.S.C. 102(b) over claims 1, 4, 5, 7, 29-30 and 56 is maintained for the reasons set forth pages 5-7 paragraph 5 of the Final Office Action.
- 5. The rejection under 35 U.S.C. 103(a) over claims 1, 3-12 and 29-56 is maintained for the reasons set forth pages 7-12, paragraph 6 of the Final Office Action.

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Status of Claims

6. No claims are allowed.

Conclusion

7. Any inquiry of the general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308–0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Office Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for the Group 1600 is (703) 872-9306.

Any inquiry concerning this communication from the examiner should be directed to Vanessa L. Ford, whose telephone number is (571) 272-0857. The examiner can normally be reached on Monday – Friday from 9:00 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached at (571) 272-0864.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov./. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vanessa L. Ford Biotechnology Patent Examiner January 26, 2005

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